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May 12, 2005

To:

Telephone:

Fax Number:

**Mr. Shelby Pittman
USPTO**

(703) 605-4283

(703) 305-8568

From: Aldon Griffis *AG*
Senior Patent Paralegal to
Lisa A. Haile, J.D., Ph.D.
(858) 638-6756

Client-Matter Number: 330142-44

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MAY 12 2005

Re: United States Published Patent Application No. US20040131601
Application Serial No. 10/618,183

Pages: - 15 - (including this form)

Originals:

If there is a problem with this transmission, please call Aldon Griffis at (858) 638-6756.

Message:

Dear Mr. Pittman:

Pursuant to my telephone conversation of today's date with Barbara Debnam, please allow this communication and supporting documentation to request correction of the Assignee Name as listed on U.S. Published Patent Application US20040131601 (Serial No. 10/618,183).

For your convenience, attached is a copy of the Notice of Recordation for Application No. 10/618,183 as recorded with the USPTO on September 23, 2004 on Reel 015806 and Frame 0764. The assignee indicated for this assignment is Myocardial Therapeutics, Inc. This assignee information is confirmed by the Patent Assignment Abstract of Title, which is also provided. This document clearly states the Myocardial Therapeutics, Inc. is the recorded assignee for Publication No. US20040131601 and Application No. 10/618,183.

Unfortunately, the attached face sheet for Publication No. US20040131601 indicates that "Foundry Networks, Inc., a Delaware Corporation" is the assignee, which is incorrect. We have reviewed our files and are perplexed by this error. We did not list any information about Foundry Networks on our application transmittal form, the Application Data Sheet or any other form submitted to the USPTO. Further, since this application is a CIP application, it is not possible that an assignee would be carried over from a previous continuation application.

We have discovered that the attached Filing Receipt as mailed on October 14, 2003 inadvertently lists "Foundry Networks, Inc., a Delaware Corporation" as the Assignment for Published Patent Application. We submitted only an assignment for Myocardial Therapeutics, Inc. for this patent application, not one for Foundry Networks.

We were notified of this error by Foundry Networks when they searched the USPTO website for published applications where the assignee field searched was "Foundry Networks". Please advise how the assignee information for this published patent application can be changed to reflect the correct and official assignee, Myocardial Therapeutics, Inc.

We are concerned that if the assignee information is not changed that anyone searching the USPTO website for published applications where the assignee field search is "Foundry Networks" will continue to obtain incorrect assignee information.

Thank you for your assistance in this matter. Please do not hesitate to contact us if you have any questions or we can provide further information.

GT16446215.1
330142-44

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 22, 2005

PTAS

GRAY CARY WARE & FREIDENRICH LLP
JUNE M. LEARN, J.D., PH.D.
4365 EXECUTIVE DRIVE, SUITE 1100
SAN DIEGO, CA 92121-2133



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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/23/2004

REEL/FRAME: 015806/0764
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: MEDIV2010-4

ASSIGNEE:

EPSTEIN, STEPHEN

DOC DATE: 03/07/2004

ASSIGNEE:

FUCHS, SHMUEL

DOC DATE: 03/08/2004

ASSIGNEE:

KORNOWSKI, RAN

DOC DATE: 06/03/2004

ASSIGNEE:

LEON, MARTIN B.

DOC DATE: 10/09/2003

ASSIGNEE:

CARPENTER, KENNETH W.

DOC DATE: 03/08/2004

015806/0764 PAGE 2

ASSIGNEE:

MYOCARDIAL THERAPEUTICS, INC.
6350 NANCY RIDGE DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 10618183

FILING DATE: 07/10/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: INJECTION OF BONE MARROW-DERIVED CELLS AND MEDIUM FOR ANGIOGENESIS

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

09-24-2004

9/23/04

Docket No.: MEDIV2010-4

To the Honorable Commissioner for Patents and

OFFICE OF PUBLIC RECORDS

102843592

1. Name of Conveying party(ies):

- a. Stephen Epstein
- b. Shmuel Fuchs
- c. Ran Kornowski
- d. Martin B. Leon
- e. Kenneth W. Carpenter

2004 SEP 23 PM 3:51

FINANCE SECTION

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of name
 Other

Execution Date: a. March 7, 2004
b. March 8, 2004
c. June 3, 2004
d. October 9, 2003
e. March 8, 2004

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

10/618,183

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: June M. Learn, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLPStreet Address: 4365 Executive Drive, Suite 1100
City: San Diego State: CA Zip Code: 92121-21336. Total number of Applications and patents involved: 17. Total fee (37 CFR 3.41) \$40.00 Enclosed - Check No.: 566700 Authorized to charge any underpayment to Deposit Account No. 50-1355.

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9. Statement and signature:

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*June M. Learn, J.D., Ph.D. (Reg. No. 31,238)

Name of Person Signing

Signature

September 20, 2004

Date

Total number of pages including cover sheet, attachments, and document: 6

09/24/2004 ELOUPER 00000023 10618183

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40.00 UP

ASSIGNMENT
BY INVENTOR(S)

This assignment ("Assignment") is made by Stephen Epstein, of Rockville, Maryland, Shmuel Fuchs of Rockville, Maryland, Ran Kornowski of Ramat-Hasharon, Martin B. Leon, New York, New York 10021, and Kenneth W. Carpenter of La Jolla, California (collectively, the "Assignors") to Myocardial Therapeutics, Inc., a California corporation ("Assignee"), having a place of business at 6350 Nancy Ridge Drive, Suite 103, California 92121.

Recitals

- A. Each of the Assignors has invented a new and useful invention entitled, **INJECTION OF BONE MARROW-DERIVED CELLS AND MEDIUM FOR ANGIOGENESIS**, for which an application for United States Letters Patent was filed on July 10, 2003, in the United States Patent and Trademark Office.
- B. Each of the Assignors authorizes and requests insertion of the serial number of the application when officially known:
- The United States Application Serial No.: 10/618,183
- C. Each of the Assignors believes the Assignors to be the original, first and joint inventors of the invention disclosed and/or claimed in the application for Letters Patent.
- D. The parties desire to have a recordable instrument assigning from the Assignors to the Assignee the entire rights, title and interest in and to the invention, the application and all Letters Patent in the United States and throughout the world that may be granted or issued for the invention or that derive a right of priority from the application (including, without limitation, all

divisional, continuation, continuation-in-part and continued prosecution applications thereof, and all reissues and reexaminations thereof, and all foreign counterparts thereof) (collectively, the "Invention Patents").

Agreement

NOW, THEREFORE, in accordance with the obligations to assign the Invention Patents and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each of the Assignors agrees to the foregoing and as follows:

1. Each of the Assignors does and will sell, assign and transfer to Assignee, such Assignor's entire rights, title, and interest in and to each of the Invention Patents, including, without limitation, the rights to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

2. Each of the Assignors agrees that, upon request and without further compensation, but at no expense to such Assignor, such Assignor and such Assignor's legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing each of the Invention Patents in the United States and throughout the world, and for perfecting, recording, or maintaining the title of Assignee, and Assignee's successors and assigns, in and to each of the Invention Patents in the United States and throughout the world. In the event that Assignee is unable for any reason to secure any of the Assignors' signatures to any document that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing each of the Invention Patents in the United States and throughout the world, or for perfecting, recording, or maintaining the title of Assignee, and Assignee's successors and assigns, in and to each of the Invention Patents in the United States and throughout the world, each such Assignor hereby irrevocably designates and appoints Assignee and Assignee's duly authorized officers

and agents as such Assignor's agents and attorneys-in-fact to act for and on such Assignor's behalf and instead of such Assignor to execute such document, all with the same legal force and effect as if executed by such Assignor.

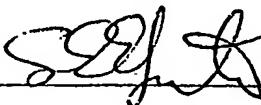
3. Each of the Assignors represents and warrants that such Assignor has not granted and will not grant to others either (1) any rights, title or interest in and to any of the Invention Patents, or (2) any rights inconsistent with the rights granted herein.

4. Each of the Assignors authorizes and requests the Commissioner for Patents of the United States and the various counterparts thereof throughout the world to issue and/or grant any Letters Patent granted for each of the Invention Patents to Assignee, its successors and assigns, as the assignee of the entire interest in such Invention Patents.

5. This Assignment constitutes the entire agreement with respect to its subject matter and supersedes all prior or contemporaneous oral or written agreements concerning such subject matter. No waiver, amendment, or modification of this Assignment shall be effective against the Assignee, unless in writing executed by a duly authorized representative of the Assignee. A breach of any of the promises or agreements contained herein will result in irreparable and continuing damage to Assignee for which there will be no adequate remedy at law, and Assignee shall be entitled to injunctive relief and/or a decree of specific performance, and such other relief as may be proper.

Assignor: Stephen Epstein

Date: 3/7/04

Signature: 

PATENT
ATTORNEY DOCKET NO.: MEDIV2010-4

Date: 3/8/04

Assignor: Shmuel Fuchs

Signature: Shmuel Fuchs

Date: 3/8/04

Assignor: Ran Kornowski

Signature: _____

Date: 10/9/03

Assignor: Martin B. Leon

Signature: Martin B. Leon

Date: 3/8/04

Assignor: Kenneth W. Carpenter

Signature: Kenneth W. Carpenter

PATENT
ATTORNEY DOCKET NO.: MEDIV 0 10-4

Assignor: Shmuel Fuchs

Date: _____

Signature: _____

Date: 6/3/04

Assignor: Ran Kornowski

Signature: Ran (KwN)

Assignor: Martin B. Leon

Date: _____

Signature: _____

Assignor: Kenneth W. Carpenter

Date: _____

Signature: _____

PATENT
Attorney Docket No.: MEDIV2010-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Epstein et al.
Application No.: 10/618,183
Filing Date: July 10, 2003
Title: INJECTION OF BONE MARROW-DERIVED CELLS AND MEDIUM FOR ANGIOGENESIS

Art Unit: 1636
Examiner: R. Akhavan
Confirmation No.: 4304

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TRANSMITTAL LETTER

Sir:

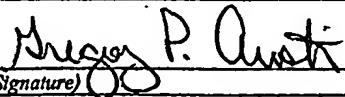
Transmitted herewith for the above-identified application please find:

1. Recordation Form Cover Sheet (1 pg.);
2. Assignment (5 pages);
3. Check No. 566700 in the amount of \$40.00; and
4. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, September 20, 2004, in an envelope addressed to: MAIL STOP ASSIGNMENT RECORDATION SERVICES, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Gregory P. Austin
(Name of Person Mailing Paper)


(Signature)

September 20, 2004
(Date)

In re Application of:
Epstein et al.
Application No.: 10/618,183
Filed: July 10, 2003
Page 2

PATENT
Attorney Docket No.: MEDIV2010-4

Enclosed is Check No. 566700 in the amount of \$40.00 for the Assignment Recordation fee. The Commissioner is authorized to charge any other fees, or credit any overpayments, to Deposit Account No. 50-1355. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Jane M. Learn
Jane M. Learn, J.D., Ph.D.
Registration No.: 31,238
Telephone: (858) 677-1416
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
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San Diego, California 92121-2133
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Total Assignments: 1**Patent #:** NONE**Issue Dt:****Application #:** 10618183 **Filing Dt:** 07/10/2003**Publication #:** US20040131601 **Pub Dt:** 07/08/2004**Inventors:** Stephen Epstein, Shmuel Fuchs, Ran Kornowski, Martin B. Leon, Kenneth W. Carpenter**Title:** Injection of bone marrow-derived cells and medium for angiogenesis**Assignment: 1****Reel/Frame:** 015806/0764**Recorded:** 09/23/2004**Pages:** 6**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** EPSTEIN, STEPHEN**Exec Dt:** 03/07/2004FUCHS, SHMUEL**Exec Dt:** 03/08/2004KORNOWSKI, RAN**Exec Dt:** 06/03/2004LEON, MARTIN B.**Exec Dt:** 10/09/2003CARPENTER, KENNETH W.**Exec Dt:** 03/08/2004**Assignee:** MYOCARDIAL THERAPEUTICS, INC.
6350 NANCY RIDGE DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92121**Correspondent:** GRAY CARY WARE & FREIDENRICH LLP
JUNE M. LEARN, J.D., PH.D.
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(1 of 1)

United States Patent Application Kind Code Epstein, Stephen ; et al.	20040131601 A1 July 8, 2004
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Injection of bone marrow-derived cells and medium for angiogenesis

Abstract

Methods are provided for enhancing capacity of impaired bone marrow cells to promote angiogenesis when introduced into an ischemic site in a patient by transfecting early attaching cells derived from bone marrow in culture with an angiogenesis promoting transgene. Methods are also provided for utilizing such early attaching cells derived from autologous bone marrow, or media derived from these cells while the cells are grown in culture (which need not be from autologous cells) to deliver angiogenesis-promoting transgenes or proteins to a patient. The transfected early attaching cells, or media derived from these cells while the cells are grown in culture, are introduced into an ischemic tissue, such as the heart, to enhance formation of collateral blood vessels. The cells or media can also be injected into the blood stream (artery supplying the ischemic tissue, or any other artery or vein)

Inventors: Epstein, Stephen; (Rockville, MD) ; Fuchs, Shmuel; (Rockville, MD) ; Kornowski, Ran; (Ramat-Hasharon, IL) ; Leon, Martin B.; (New York, NY) ; Carpenter, Kenneth W.; (San Diego, CA)

Correspondence Name and Address: GRAY CARY WARE & FREIDENRICH LLP
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO
CA
92121-2133
US

Assignee Name and Address: Foundry Networks, Inc., a Delaward Corporation

Incorrect. Should be
"Myocardial Therapeutics, Inc."

Serial No.: 618183

Series Code: 10

Filed: July 10, 2003

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OCT 20 2003



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APPL NO.	FILING OR 971 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/618,183	07/10/2003	1632-	651	MEDIV2010-4	4	46	4

28213
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 4365 EXECUTIVE DRIVE
 SUITE 1100
 SAN DIEGO, CA 92121-2133

PATENT DOCKETING

OCT 20 2003

CONFIRMATION NO. 4304

FILING RECEIPT

OC000000011032106

Date Mailed: 10/14/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Stephen Epstein, Rockville, MD;
 Shmuel Fuchs, Rockville, MD;
 Ran Komowski, Ramat-Hasharon, ISRAEL;
 Martin B. Leon, New York, NY;
 Kenneth W. Carpenter, La Jolla, CA;

Assignment For Published Patent Application

Foundry Networks, Inc., a Delaware Corporation;

INCORRECT

Domestic Priority data as claimed by applicant

This application is a CIP of 10/160,514 05/30/2002 *

which is a CIP of 09/868,411 06/14/2001

(*Data provided by applicant is not consistent with PTO records.

Foreign Applications

UNITED STATES OF AMERICA PCT/US00/08353 03/30/2000

If Required, Foreign Filing License Granted: 10/14/2003

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Injection of bone marrow-derived cells and medium for angiogenesis

Preliminary Class

424

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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